

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA, )  
Plaintiff, )  
V. ) Case No. 23-CR-44-JFH  
CHRISTIAN LOPEZ, )  
Defendant. )

**DEFENDANT'S MOTION FOR DOWNWARD DEPARTURE**

**COMES NOW**, Defendant, CHRISTIAN LOPEZ , through counsel of record, Shena E. Burgess, and respectfully request this Court to grant a downward departure pursuant to § 5H1.6.

***Degree of Relief Requested***

Mr. Lopez request the Court consider his departure requests sentence possibly in combination with a variance which would allow him a lesser and appropriate time of sentence. He is presently in Zone C of the advisory sentencing guidelines, with an advisory sentencing guidelines of 12 to 18 months. Defendant has not objected to the PSR calculations.

***Argument and Authorities***

**(1) The 5H1.6 Departure Request-Family Ties and Responsibilities**

Mr. Lopez is the sole breadwinner of his family of fiancé and two children. Facts and law supporting such a request are contained in Defendant's Sentencing Memorandum. Defendant incorporates such law and facts herein.

***Conclusion***

For the reasons set forth in the Defendant's sentencing memorandum, Mr. Lopez respectfully requests the Court consider a departure pursuant to above section combined with the appropriate defendant characteristics articulated in Title 18 U.S.C. §3553(a). Mr. Lopez asserts that the grounds for his request, taken together, justify a departure which would permit a lesser sentence.

Respectfully Submitted,

**SMILING, SMILING & BURGESS**

s/Shena E. Burgess

By \_\_\_\_\_

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**Attorney for Christian Lopez**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 1st day of July, 2024, the foregoing instrument was electronically transmitted to the following ECF registrants:

Erin Cornell, AUSA  
Assistant US Attorney

s/Shena E. Burgess